

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY _____, MARCH 9 _____, 19 76

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers
Tuesday _____ evening March 9 A.D., 19 76, in Regular
Session. President James S. Stier _____ in the chair, and
Charles W. Westerman _____ Clerk, at the desk, present the following
members _____ viz:
Burns _____, Hinga _____, Hunter _____
Moses _____, Nuckols _____, Donald Schmidt _____
Vivian Schmidt _____, Stier _____, Talarico _____
Absent _____
Councilmen _____, _____, _____
_____, _____, _____

The invocation was given by Reverend Lyle Case, Parish Minister - Saint
Joseph United Methodist Church

Received report from the City Controller for the month of February 29
19 76. Motion made and carried that report be made a matter of record and
placed on file.

The minutes of the last regular _____, 19 _____,
special _____, 19 _____,
Session having been delivered to the Council, were, on motion, approved and
published.

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINANCIAL STATEMENT

MADE A MATTER OF RECORD

MONTH OF FEBRUARY 29, 1976

DATE _____ CHARLES W. WESTERMAN, CITY CLERK

FUNDS	BEGINNING BALANCE	RECEIPTS FOR MONTH	TOTAL BALANCE AND RECEIPTS	DISBURSED TO DATE	DISBURSED FOR MONTH	TOTAL DISBURSED	CONTROLLER'S ENDING BALANCE
GENERAL FUND	300,225.72-	1,095,971.07	795,745.35	2,552,016.09-	1,602,784.07-	4,154,800.16-	807,038.72-
	.00	.00	.00	.	.00	.00	.00
UTILITIES, ELECTRIC	31,304.14	530,640.52	561,944.66	864,522.89-	607,785.90-	1,472,308.79-	45,841.24-
UTILITIES, WATER	17,769.70	713,120.84	730,890.54	1,702,361.50-	659,633.90-	2,361,995.40-	71,256.64
UTILITIES, SEWER	47,131.56	7,738,487.11	7,785,618.67	10,237,342.18-	7,758,623.38-	17,995,965.56-	26,995.29
CIVIL CITY PAYROLL	557,946.47-	1,711,002.38	1,153,055.91	1,233,259.90-	1,094,934.22-	2,328,194.12-	58,121.69
COOPER CENTER TRUST FUND	851.38	.00	851.38	427.00-	.00	427.00-	851.38
R-51 ANTHONY WAYNE BANK	81,559.14	8,799.37	90,358.51	.00	.00	.00	90,358.51
CETA	109,049.57-	1,326,621.99	1,217,572.42	653,101.08-	699,328.14-	1,352,429.22-	518,244.28
AVIATION	69,442.35	782,313.54	851,755.89	837,753.39-	786,268.63-	1,624,022.02-	65,487.26
PARK GENERAL	637,870.26	15,112.63	652,982.89	113,381.68-	298,716.34-	412,098.02-	354,266.55
PARK TRUST	54,205.78	5,220.00	59,425.78	177,133.00-	48,812.41-	225,945.41-	10,613.37
REDEVELOPMENT GENERAL	15,184.88	.00	15,184.88	.00	8,332.38-	8,332.38-	6,852.50
HARVESTER DRAIN STORM RE	115,433.95	.00	115,433.95	.00	115,433.95-	115,433.95-	.00-
R-53 REVOLVING	15,230.45	9,081.17	24,311.62	18,684.36-	7,493.13-	26,177.49-	16,818.49
	.00	.00	.00	.	.00	.00	.00
MOTOR VEHICLE HWY. FUND	186,237.99	233,495.45	419,733.44	567,882.26-	293,723.52-	861,605.78-	126,009.92
PARKING METERS	63,480.93	18,677.65	82,158.58	13,798.62-	9,212.46-	23,011.08-	72,946.12
SEWER RELIEF	70,173.84	26,930.21	97,104.05	127,218.74-	9,902.53-	137,121.27-	87,201.82
PARKING GARAGE	11,757.28	6,522.03	18,279.31	14,840.57-	10,992.53-	25,833.46-	7,286.42
PUBLIC LIGHTING	546,775.52-	90,904.04	455,871.48-	3,241.40-	58,985.50-	62,226.90-	514,856.98-
REVENUE SHARING PROJECT	615,529.21	1,015,192.42	1,630,721.63	1,306,855.54-	1,606,001.28-	2,912,856.82-	24,720.35
OPEN SPACE PROGRAM	8,503.26-	11,952.00	3,448.74	.00	3,448.74-	3,448.74-	.00-
ST. MARYS RIVER IMPOUNDI	.00	.00	.00	.	.00	.00	.00
HUMANE TRUST	14,135.75	420.00	14,555.75	544.32-	373.89-	918.21-	14,181.86
LOCAL ROAD STREETS	231,388.71	1,006,172.23	1,237,560.94	1,000,000.00-	285,226.10-	1,285,226.10-	952,334.84
MUNICIPAL UTILITIES PENS	10,531.52	9,953.63	20,485.15	10,440.19-	9,954.63-	20,394.82-	10,531.52
FIRE PENSION FUND	74,208.60-	9,389.60	64,819.00-	98,624.76-	97,916.35-	196,541.11-	162,735.35-
POLICE PENSION FUND	68,581.39-	9,750.62	58,830.77-	100,504.85-	101,908.74-	202,413.59-	160,739.81-
SAN. OFFICERS PEN. FUND	7,851.66	493.17	8,344.83	5,306.04-	10,739.08-	15,739.08-	2,911.79
FT. WAYNE ART SCHOOL	2,339.03	.00	2,339.03	14,892.00-	5,433.04-	14,892.00-	2,339.03
REDEVELOPMENT DISTRICT C	553,090.34	241.00	553,331.34	14,037.06-	883.21-	14,920.27-	552,448.13
CUM. CAPT. IMPROVEMENTS	343,958.07-	.00	343,958.07-	426,294.20-	6,102.85-	432,397.05-	350,060.92-
FINE ARTS FOUNDATIONS	169.89	.00	169.89	19,702.00-	.00	19,702.00-	169.89
ACCIDENT REPORT ACCOUNT	7,046.54	1,398.00	8,444.54	567.80-	2,254.47-	2,822.27-	6,190.07
FIRE REPORT ACCOUNT	.80	64.00	64.80	.00	.00	.00	64.80
	.00	.00	.00	.00	.00	.00	.00
PAYROLL PENSION FUND	.00	202,405.13	202,405.13	202,676.55-	202,405.13-	405,081.68-	.00-
CRIME PREVENTION BUREAU	63.00	.00	63.00	.00	.00	.00	63.00
FT. WAYNE FIREFIGHTING F	103,167.32	.00	103,167.32	.00	.00	.00	103,167.32
PARK CUMULATIVE BUILDING	42,674.85-	46,454.92	3,780.07	150,000.00-	.00	150,000.00-	3,780.07
IND. SUR. SEWERS-CITY UT	753.66	.00	753.66	134,000.00-	.00	134,000.00-	753.66
SUB IPA GRANT	93.94	.00	93.94	.00	.00	.00	93.94
IND. A-14 REDEVELOPMENT	20,005.97	.00	20,005.97	1,844.65-	5,084.50-	6,929.15-	14,921.47
OMNIBUS CRIME	92,404.71	23,501.39	115,906.10	14,040.40-	26,803.97-	40,844.37-	89,102.13
E.M.S.	92,575.84	.00	92,575.84	19,005.40-	45,738.21-	64,743.61-	46,837.63
LILLY ENDOWMENT FUND	.00	.00	.00	421.44-	.00	421.44-	.00
	.00	.00	.00	.	.00	.00	.00
CETA PAYROLL	204,569.13-	465,115.81	260,546.68	601,748.75-	429,053.53-	1,030,802.28-	168,506.85-
JUNK CAR	790.00	45.00	835.00	.00	.00	.00	835.00
	.00	.00	.00	.	.00	.00	.00
INNER CITY STROM RELIEF	31,395.99	.00	31,395.99	.00	503.20-	503.20-	31,395.99

DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

MONTH OF FEBRUARY 29, 1976

[illegible]

CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINANCIAL STATEMENT

MONTH OF FEBRUARY 29, 1976

INVESTMENTS	BEGINNING BALANCE	RECEIPTS FOR MONTH	TOTAL BALANCE AND RECEIPTS	DISBURSED TO DATE	DISBURSED FOR MONTH	TOTAL DISBURSED	CONTROLLER'S ENDING BALANCE
GEN FUND INV	.00	1,000,000.00	1,000,000.00	.	1,000,000.00-	1,000,000.00-	.00-
	.00	.00	.00	.	.00	.00	.00
UTIL ELEC INV	2,200,000.00-	750,000.00	1,450,000.00-	.	900,000.00-	900,000.00-	2,350,000.00-
UTIL WATER INV	1,150,000.00-	1,400,000.00	250,000.00	.	950,000.00-	950,000.00-	700,000.00-
UTIL SEWER INV	11,100,000.00-	12,900,000.00	1,800,000.00	.	12,100,000.00-	12,100,000.00-	10,300,000.00-
CIVIL CITY PAYROLL INV	.00	.00	.00	.	.00	.00	.00
COOPER CTR INV	.00	.00	.00	.	.00	.00	.00
R=51 AWR INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
CETA INV	.00	.00	.00	.	.00	.00	.00
AVIATION INV	200,000.00-	925,000.00	725,000.00	.	1,025,000.00-	1,025,000.00-	300,000.00-
	.00	.00	.00	.	.00	.00	.00
PARK GENERAL INV	.00	.00	.00	.	.00	.00	.00
PARK TRUST INV	.00	.00	.00	.	175,000.00-	175,000.00-	175,000.00-
REDEVEL GEN INV	.00	.00	.00	.	.00	.00	.00
HARVESTER DRAIN INV	.00	.00	.00	.	.00	.00	.00
R=53 REVOLVING INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
MVH FUND INV	.00	.00	.00	.	400,000.00-	400,000.00-	400,000.00-
PARKING METERS INV	.00	.00	.00	.	.00	.00	.00
SEWER RELIEF INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
PARKING GARAGE INV	.00	.00	.00	.	.00	.00	.00
PUBLIC LIGHTING INV	.00	.00	.00	.	.00	.00	.00
REVENUE SHARING INV	.00	1,000,000.00	1,000,000.00	.	2,800,000.00-	2,800,000.00-	1,800,000.00-
OPEN SPACE INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
HUMANE TRUST INV	.00	.00	.00	.	.00	.00	.00
LOCAL ROAD STREET INV	.00	.00	.00	.	.00-	.00-	.00-
MUN UTIL PENSION INV	.00	.00	.00	.	.00	.00	.00
FIRE PENSION FUND INV	.00	.00	.00	.	.00	.00	.00
POLICE PENSION INV	.00	.00	.00	.	.00	.00	.00
SAN OFFICERS PEN INV	.00	.00	.00	.	.00	.00	.00
FT WAYNE ART SCH INV	.00	.00	.00	.	.00	.00	.00
REDEVEL DIST CAP INV	.00	.00	.00	.	.00	.00	.00
CUM CAP IMPRVMTS INV	.00	.00	.00	.	.00	.00	.00
FINE ARTS FOUND INV	.00	.00	.00	.	.00	.00	.00
ACCIDENT RPT ACCNT INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
FIRE RPT ACCOUNT INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
PAYROLL PENSION INV	.00	.00	.00	.	.00	.00	.00
	.00	.00	.00	.	.00	.00	.00
CRIME PREV BUREAU INV	.00	.00	.00	.	.00	.00	.00
FIREFIGHTING FUND INV	.00	.00	.00	.	.00	.00	.00
PARK CUM BLDG INV	.00	.00	.00	.	150,000.00-	150,000.00-	150,000.00-
	.00	.00	.00	.	.00	.00	.00
IND SUB SWRS CU INV	129,000.00-	129,000.00	.00-	.	134,000.00-	134,000.00-	134,000.00-
SUB IPA GRANT INV	.00	.00	.00	.	.00	.00	.00
IND A=14 REDEL INV	.00	.00	.00	.	.00	.00	.00
OMNIBUS CRIME INV	.00	.00	.00	.	.00	.00	.00
E.M.S. INV	.00	.00	.00	.	.00	.00	.00
LILLY ENDOWMENT INV	.00	.00	.00	.	.00	.00	.00

MONTH OF FEBRUARY 29, 1976

[illegible]



FORT WAYNE, INDIANA 46802

office of the mayor

February 25, 1976

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, February 25, 1976, I have approved the following ordinances passed by the Common Council at its regular meeting on February 24, 1976.

(Bill No. A-76-02-01)
APPROPRIATION ORDINANCE NO. A-05-76

AN ORDINANCE transferring certain funds in the 1976 Budget of Community Development and Planning

(Bill No. A-76-02-02)
APPROPRIATION ORDINANCE NO. A-06-76

AN ORDINANCE transferring certain funds in the 1976 Budget of the Board of Public Works

(Bill No. S-76-02-03)
SPECIAL ORDINANCE NO. S-53-76

AN ORDINANCE approving a certain bid document for purchase of camera and equipment for Board of Public Safety

(Bill No. R-76-02-25)
RESOLUTION NO. R-09-76

A RESOLUTION authorizing payment to Johnstone Oldsmobile for repair of Police Car #108

(Bill No. R-76-02-26)
RESOLUTION NO. R-10-76

A RESOLUTION transferring certain funds within the 1976 Budget of the Communications Department

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK



(Bill No. R-76-02-27)
RESOLUTION NO. R-11-76

A RESOLUTION transferring certain funds within the 1976 Budget of Board of Public Safety

(Bill No. R-76-02-28)
RESOLUTION NO. R-12-76

A RESOLUTION approving a contract between the/ bdevelopment Department and the City of Fort Wayne for purchase of real estate

(Bill No. G-76-02-14)
GENERAL ORDINANCE NO. G-05-76

AN ORDINANCE amending Chapter 17, Section 17-94 of The City of Fort Wayne, Indiana of 1974

(Bill No. A-76-02-08)
APPROPRIATION ORDINANCE NO. A-07-76

AN ORDINANCE transferring certain funds in the 1976 Budget of the Board of Public Works

(Bill No. A-76-02-09)
APPROPRIATION ORDINANCE NO. A-08-76

AN ORDINANCE transferring certain funds in the 1976 Budget of the Board of Public Works

(BILL NO. S-76-02-10)
SPECIAL ORDINANCE NO. S-55-76

AN ORDINANCE approving an Agreement for Sewer Extension in Sanibel Acres

(Bill No. S-76-02-11)
SPECIAL ORDINANCE NO. S-56-76

AN ORDINANCE approving a contract with LAND EXCAVATING, INC. for emergency repairs to sanitary sewer

(Bill No. S-76-02-12)
SPECIAL ORDINANCE NO. S-57-76

AN ORDINANCE approving a certain contract with HEFNER CHEVROLET for trucks for the Water Maintenance & Service Department

(Bill No. S-76-02-13)
SPECIAL ORDINANCE NO. S-58-76

AN ORDINANCE approving a contract with TRI-STATE PLUMBING for materials for Water Maintenance & Service Department

Respectfully yours,

A handwritten signature in black ink, reading "Robert E. Armstrong". The signature is written in a cursive, flowing style with a large initial "R".

Robert E. Armstrong
Mayor



THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

March 1, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-75-12-31

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of March, 1976.

Joseph N. Adair

Joseph N. Adair
Secretary

MADE A MATTER OF RECORD

DATE 3-4-76 CHARLES W. WESTERMAN, CITY CLERK





THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

March 1, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held February 23, 1976. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill NO. Z-75-12-31
2. From "R1" to "B1B"
3. Intended Use: Boutique Shop
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. This request would permit commercial activity in a totally residential area and would constitute spot zoning

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary F. Baeten (pr)

Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.

cc: Mayor Armstrong



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 9, 1975, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-75-12-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

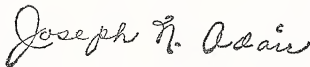
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 9, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 23, 1976.

Certified and signed this
1st day of March, 1976.



Joseph N. Adair
Secretary

60	62	157	159	Dr. Buell	190	R-I	192	251	253	Hoagland ave.
61			158		191			252		
Fairfax					ave.					
64	63	156	155		194	193	250	249		
65			154		195			248		
66	R-I	153	FAIRFIELD TERACE SECTION "A"		196	197	247	247		
67					152			246		
68	151	149	148		198	200	R-I	245		
69					150			199	244	
70	147	146	143		201	202	241	243		
71					203			242		
72	145	144	143		204	206	237	240		
73					205			239		
74	76	143	145		206	207	238	241		

"C" Change from R-I to B-I-B

11-25-75

AA-10

L.S.

Z-75-12-13





City of Fort Wayne

OFFICE OF THE CITY CLERK
ROOM 120, CITY-COUNTY BUILDING
ONE EAST MAIN ST., FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN, CLERK
TELEPHONE 219-423-7183

March 8, 1976

TO JAMES S. STIER AND MEMBERS OF THE COMMON COUNCIL:

DECLARED POCKET VETO OF BILLS NO. G-76-02-38
AND S-76-02-18 BY CLERK

Pursuant to the law, on the 5th day of March, 1976, pocket vetoes became effective by the ^{act} failure of Robert E. Armstrong, Mayor of the City of Fort Wayne, to sign and return to the Clerk two ordinances duly passed by the Common Council of the City of Fort Wayne.

Bill No. G-76-02-38, a General Ordinance pertaining to the use of existing stock and forms of ^{complaint} ~~complement~~, notices of violations and other citations and forms in the enforcement of laws and ordinances of the City of Fort Wayne, Indiana, and Bill No. S-76-02-18, a Special Ordinance approving a contract awarded on a unit cost basis and repealing Special Ordinance No. S-200-75 were vetoed.

Said Ordinances were by law delivered to the Mayor on February 25, 1976, in the A.M. hours by the City Clerk Charles W. Westerman for mayoral approval or disapproval. The Mayor was informed that G-76-02-38 was passed under suspension of rules by the respected Common Council of the City of Fort Wayne. Said suspension was granted by all nine (9) members of the Common Council as a convenience to enable this community to enforce the new municipal code which became effective on February 20, 1976. Failure to sign said Ordinance places
MADE A MATTER OF RECORD

DATED 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

DECLARED POCKET VETO

Page 2

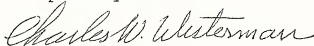
the Superior Court of Allen County in an embarrassing position as emphasized by the Clerk. The Clerk informed the Mayor on six different occasions of the importance of this Ordinance. The Clerk stated as an example the following: If any citizen is duly arrested under Chapter 31 of the Municipal Code of the City of Fort Wayne he would not be arrested under a traffic violation under the forms now existing, but would be arrested under the Water Courses Regulations of the City of Fort Wayne as set out in the new Municipal Code Book.

Failure to comply with a unanimous correctional ordinance such as G-76-02-38 places this community in jeopardy.

The Mayor has not sent any communications to the Clerk on or before this date, March 8, 1976.

This communication will be delivered by the City Clerk to the panel of judges of the Allen Superior Court immediately and also to the City Attorney to enable the Court to judicate or postpone action against the citizenry of the City of Fort Wayne which is in jeopardy because of the change of Chapter and Section of laws that now appear in our new Municipal Code adopted under General Ordinance No. G-04-76, which became effective on February 20, 1976. Said Ordinance was approved by eight (8) Councilmen with one absentee and was duly signed by the Honorable Robert E. Armstrong on the 28th day of February, 1976, at 4:30 P.M., Eastern Standard Time.

Respectfully submitted,



Charles W. Westerman
City Clerk

House Memorandum

To City Clerk and Members of Common Council Date March 9, 1976

From John H. Logan

Subject Bill No. 76-02-38 - An Ordinance pertaining to the use of existing stocks of forms in Violation Bureau.

COPIES TO:

My attention has been invited to a statement in the March 9, 1976 issue of the Fort Wayne Journal Gazette, which statement is purportedly a quotation from the City Attorney, in which he said last night that the above Ordinance does not pass the legality test, because, he stated, the Indiana law is clear that a ticket must state the reason for the offense, and if the wrong regulation number is on the ticket the complaint is not accurately stated.

Mr. Salin further stated that the "City Council can't change the State law-which they keep trying to do."

It is regrettable that we have to answer this. However, it is necessary to be correct because you as the City Council are charged with the duty of legislating the law governing the City of Fort Wayne. (IC 18-3-6)

In the first place the above Ordinance was enacted to save the City of Fort Wayne money by using up the old forms of notice. I use the word "notice" advisedly because that is all the ticket is. In the process of enacting Ordinances to govern the City, Ordinance #2726 was enacted many years ago and is cited in the new Municipal Code as Chapter 17, §17-6 et seq. Under these Ordinances and under the State Law the City Clerk operates the Violations Bureau. The ticket that is issued from his office is merely calculated to apprise the person upon whose vehicle it is placed by a Police Officer that he has forty-eight (48) hours in which to pay for a violation of Municipal law. The violation is plainly set forth in the notice. It is true the reference to the Section number does not refer to the new Code, but the person is thus notified accurately as to the charge made against him, and the statement is made to him that unless he appears in response to the request that a complaint will be issued. If a person so charged desires to contest the ticket then the law is that a complaint must be filed against him in Court. Time is given for him to decide.

We need go no further with this matter of explanation, but lest there be any question whatsoever, the Indiana law on the subject of charges filed against persons is clear. The case of Donovan vs. the State 1908, 83 NE 744 states that it is not necessary to allege in the Affidavit the particular statute violated since that may be determined from the facts alleged therein. This case is the law of Indiana.

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

House Memorandum

To _____ Date _____

From _____

Subject Page #2

COPIES TO:

IC 18-3-6 provides:

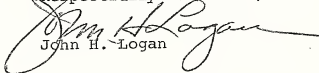
"The Common Council of every City shall have the power to pass all ordinances, orders, resolutions and motions for the government of such City".

Thus, it is clear that Ordinance G76-0238;

a) is clearly within the province of the Common Council to enact;

b) does not interfere with individual's rights by merely notifying them that if they wish to contest the matter they can go to Court, in which case a formal complaint will be filed charging them in language of the offense.

Respectfully submitted,


John H. Logan

jhl/bm



FORT WAYNE, INDIANA 46802

office of the mayor

March 9, 1976

TO THE MEMBERS OF THE COMMON COUNCIL:

The comments concerning the approval as to legality set forth in my message concerning Bill G-76-02-38 also relate to this special ordinance, S-54-76.

This ordinance refers to actions taken in August and September, 1975, and refers to special ordinance S-200-75 which ordinance was apparently erroneously approved. Said approval may have caused the improper bidding of a contract. For these reasons, this ordinance is returned to the Council without my signature.

Respectfully submitted,

Robert E. Armstrong
Mayor

REA:ip

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK



MESSAGE FROM THE MAYOR TO COMMON COUNCIL

In Re: G-76-02-38

This ordinance was not approved as to legality prior to its passage by the City Attorney.

The powers and duties of the City Attorney are explicitly set forth in Indiana Code (1971) Section 18-1-6-13.

"The head of the department of law in every city shall be the attorney and counsel of such city. ...He shall have the management, charge and control (emphasis added) of the law business of such city and for each branch of its government, shall prosecute all violators of city ordinances, shall be the legal advisor of all its departments and officers, shall draw up ordinances, leases, deeds, contracts, or other legal papers for such city and its various departments, when requested to do so by the proper officer,..."

The Common Council is a "branch of its government", the City Attorney has full powers to determine the law business of the Common Council. This control is not modified by Indiana Code (1971) Section 18-2-3.5-1 which sets forth the ability of the Common Council to hire legal assistance. The statute sets forth,

"The Common Council of any city is hereby empowered to hire or contract with,...one or more competent attorneys..."

(b) The appointment of an attorney pursuant to this section shall in no way eliminate the office or duties of City Attorney as may now or hereafter be provided for by any law of this State."

It would seem to be apparent from a common sensical interpretation of these two statutes that the City Attorney need not originate all of the ordinances passed by the City but that he should have some modicum of control of the source of such ordinances and final approval of content before consideration of passage.

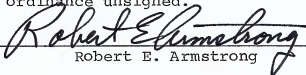
Bill G-76-02-38, passed by the Common Council on February 25, 1976, allows the use of existing forms of complaints, notices of violation and other citations of the laws and ordinances of the City of Fort Wayne. The Common Council believes that it has the power to authorize ordinances which allow actions to recover penalties for violation of city ordinances that are civil in nature, although these said existing forms do not state the content of the ordinance nor do they state the proper section and page numbers of the Code of the City of Fort Wayne.

The Supreme Court of Indiana has held that actions to recover penalties for violation of city ordinances are civil in nature. The general rules of pleading, as governed by the Indiana Rules of Trial Procedure, require at least a short and plain statement of the claim showing that the pleader is entitled to relief.

Any action not satisfying this rule is subject to dismissal. Recovery of a penalty under such forms of complaints, notices of violation and other citations in forms may possibly violate the Constitution of the State of Indiana, Article I, Section 12, which states:

"COURTS OPENED - DUE COURSE OF LAW - ADMINISTRATION OF JUSTICE - All courts shall be open; and every man, for injury done to him and his person, property or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily and without delay."

It is, therefore, doubtful that this ordinance is constitutional; therefore, I return the ordinance unsigned.


Robert E. Armstrong

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

March 1, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-75-12-43

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of March, 1976.

Joseph N. Adair
Secretary

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK





THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

March 1, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held February 9, 1976. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-75-12-43
2. From: "R1" to "B1B"
3. Intended use: Provide correct zoning for a legal non-conforming use.
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The granting of this request would not be in the best interest of the adjacent residential community on Ventura Lane, therefore, in the interest of the overall community, it is our recommendation that this request be denied.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary F. Baeten (pr)

Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.

cc: Mayor Armstrong



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 23, 1975, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-75-12-43; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 9, 1976.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

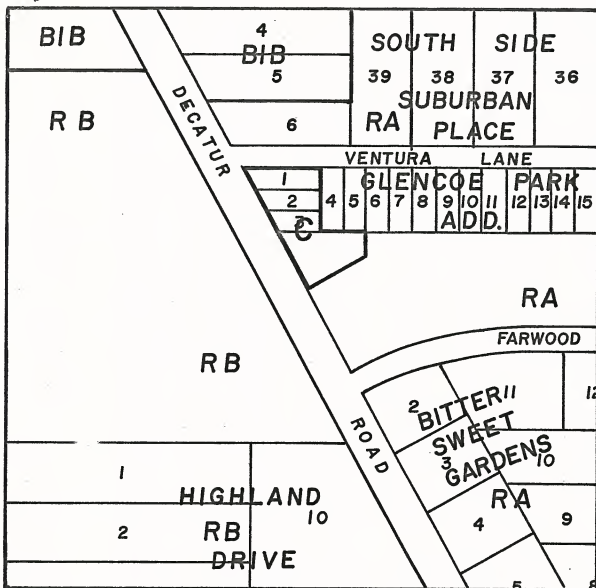
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 23, 1976.

Certified and signed this
1st day of March, 1976.

Joseph N. Adair

Joseph N. Adair
Secretary



C CHANGE FROM RI TO BIB

2-75-12-43



THE CITY OF FORT WAYNE

department of public safety

March 3, 1976

City Clerk's Office
1st. Floor
City County Building
Fort Wayne, Indiana 46802

City Clerk:

Please be aware that the Regulatory Resolution number 17/76/D has been changed to 17/76/E. The form was sent to Public Safety as a Delegated, and should have been an Emergency. This is the reason for the change.

Thank you,

Albert N. Hepler
Director of Public Safety

ANH:cc

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

February 18, 1976

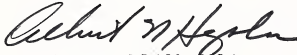
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 17/76/E.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Director of Public Safety

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 17/76/E

(Adopted FEBRUARY 18, , 1976)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 18 , 1976, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective February 18 76 ,

19 __ , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING 8:00-9:00 am and 3:00-4:00 pm WEEK DAYS ONLY (EMERGENCY)

Hale Ave. -- south side -- from 100 ft. west of Reidmiller Ave. to the St. Marys River.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 17/76/E.

I hereby certify that I did this 18 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 17/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.



EXECUTIVE SECRETARY

February 26, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 18/76/E.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Director of Public Safety

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 18/76/E

(Adopted February 26 _____, 1976__)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to 30 MINUTE PARKING / DELETE: NO PARKING

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 24 _____, 19 76__, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective February 26 _____ 76 ,

19__ , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

30 MINUTE PARKING 8:00 am - 6:00 pm (EMERGENCY)
Northside Dr. -- east side -- from 320 ft. north of State Blvd. to 300 ft. north thereof.

DELETE:

NO PARKING

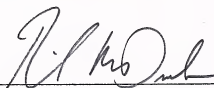
(EMERGENCY)

Eade Ave. -- west side -- from 120 ft. south of Stadium Dr. to Fricke Ave.
Fricke Ave. -- north side -- from Eade Ave. to it's west terminus.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 18/76/E)

I hereby certify that I did this 26 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 18/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.

A handwritten signature in dark ink, appearing to read "R. L. McDaniel", is written over a horizontal line.

EXECUTIVE SECRETARY

March 1, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 19/76/D.- 20/76/E + 21/76/D.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Director of Public Safety

MADE A MATTER OF RECORD

DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 19/76 /D

(Adopted March 1, _____, 1976__)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14. 1961. authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 20 of said chapter as so amended delegates to this Board authority to TRUCK LOADING ZONE

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 27 ____, 1976__, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 20 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective March 1 ____, 1976__, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

TRUCK LOADING ZONE (DELEGATED)

Harmony Court -- east side -- from 75 ft. north of Berry St. to 75 ft. north thereof.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 19/76/D)

I hereby certify that I did this 1 day of March, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 19/76/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.

A handwritten signature in blue ink, appearing to read "M. D. Dub", is written over a horizontal line.

EXECUTIVE SECRETARY

March 1, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 20/76/E.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Albert W. Hegeler". The signature is fluid and cursive, with the first name "Albert" being the most prominent part.

Director of Public Safety

REGULATORY RESOLUTION NO. 20/76/E

(Adopted March 1, 19 76)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to ONE WAY STREET

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 27, 19 76, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 1 76,

19 __, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

ONE WAY STREET (EMERGENCY)

Wildwood Ave. -- westbound -- from Warsaw St. to Lafayette St.

Colerick St. -- eastbound -- from Lafayette St. to Warsaw St.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 20/76/E.)

I hereby certify that I did this 1 day of March, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 20/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.



EXECUTIVE SECRETARY

March 1, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 21/76/D.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Albert W. Hegelin". The signature is fluid and cursive, with the first name "Albert" being the most prominent part.

Director of Public Safety

REGULATORY RESOLUTION NO. 21/76/D

(Adopted March 1 _____, 19 76.)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to NO PARKING

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 27 _____, 1976, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 121 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective March 1 _____, 19 76, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING

(DELEGATED)

Wildwood Ave. -- north side -- from 190 ft. east of South Wayne Ave.
to 50 ft. east thereof.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 21/76/D.)

I hereby certify that I did this 1 day of March, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 21/76/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.



EXECUTIVE SECRETARY

March 8, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 22/76/E.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Director of Public Safety

MADE A MATTER OF RECORD
DATE 3-9-76 CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 22/76 /E

(Adopted March 8 , 19 76.)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REGULATORY RESOLUTION 1/76/E.

NO PARKING - STOP INTERSECTION

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 8 , 19 76 , submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 8, 1976 ,

19 76 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING

Reynolds St. -- north side -- from Edsall Ave. to 220 ft. east thereof.

STOP INTERSECTION

Berry St. -- stop -- for Thieme Dr.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 22/76/E.)

I hereby certify that I did this 8 day of March, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 22/76/E. of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.



EXECUTIVE SECRETARY

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of March 9, 19 76; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 10th day of March, 19 76.



Charles W. Westerman
City Clerk

SEAL